

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

Plaintiff,

vs.

Cr. No. 10-773 JB

JOHN LEONARD TSOSIE

Defendant.

FIRST MOTION IN LIMINE

The defendant, JOHN LEONARD TSOSIE, by her attorney Samuel L. Winder, and pursuant to Federal Rules of Evidence 403, moves this Court to preclude the Government from the introduction of autopsy photographs of Ms. Loretta Johnson or Mr. Manuel Johnson at trial.

1. On May 25, 2011, the United States provided 14 autopsy photographs of Loretta Johnson. The photographs were received on May 26, 2011. The United States has previously provided autopsy photographs of Mr. Manuel Johnson.

2. Mr. Tsosie requests that this Court not allow the United States to introduce these photographs as evidence at trial.

3. The photographs are not relevant or probative, pursuant to Fed.R.Evid. 401 and 402. However, even if the photographs have probative value; the probative value would be outweighed by its prejudicial impact, pursuant to Fed.R.Evid. 403

WHEREFORE, Defendant respectfully requests an order in limine prohibiting the United States from introducing any autopsy photographs of Ms. Laverne Johnson or Mr. Manuel Johnson.

Respectfully submitted,

_____-s-_____
Samuel L. Winder
Attorney for Defendant
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I hereby certify that on May 26, 2011
I filed the foregoing electronically through CM/ECF
System, which caused Counsel for the Government
to be served by Electronic means, as
more fully reflected in the Notice of Electronic Filing.

_____-s-_____
Samuel L. Winder